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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/083,150	05/22/1998	BOUDIAF BOUSSOIRA	057250306000	3636

7590

02/26/2003

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EXAMINER

WEBMAN, EDWARD J

ART UNIT

PAPER NUMBER

1617

DATE MAILED: 02/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/08 3150

Applicant(s)

BOUSSOURA

Examiner

WGBMAN

Group Art Unit

1617

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 11/12/02
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-44 is/are pending in the application.
- Of the above claim(s) 29-32, 36, 38-44 is/are withdrawn from consideration:
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-28, 33-35, 37 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Applicant's Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-23, 33-35, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf et al. In view of Fanchon et al.

Wolf et al. teach an anti-acne composition comprising 0.01-25% of a carrier complexed to active (abstract). 40%-50% carrier is specified (column 4 lines 11-13). Dendritic polymers are specified (column ³2 lines 42-44). Titanium oxide is specified (column 6 line 34). Stearic acid and jojoba oil are disclosed (column 5 line 53 and column 6 line 50). Sunscreens are specified (column 4 lines 31-32).

Fanchon et al. teach anti-acne compositions containing antioxidants and nanopigments as active agents (title, Abstract, column 7 lines 7-9, 11, 13, 29-30).

It would have been obvious to one of ordinary skill to add an antioxidant and nanopigments to the composition of Wolf et al. To achieve the beneficial effect of additional anti-acne active in view of Fanchon et al.

Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf et al in view of Fanchon et al as applied to claims 1-23, 27, 28, 33-35, 37 above, and further in view of Garrison et al.

Garrison et al teach the chelator EDTA in anti-acne compositions to sequester discoloration-causing metal ions. (Column 4 lines 3-4).

It would have been obvious to one of ordinary skill to add a EDTA to the compositions of preventing discoloration in view of Garrison et al.

Applicants argue that polyalkylene amines are not required in Wolf et al. The examiner's position is that the motivation to combine is applicable to all the polymers recited in Wolf et al.

Applicants argue but do not claim uncomplexed polymers.

The motivation to combine Fanchon et al does not require ^{teaching} a of pigments in Wolf et al because the motivation to combine concerns the addition of the Fanchon pigments as further anti-acne actives.

No claims allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Webman whose telephone number is (703) 308-4432. The examiner can normally be reached on Monday to Friday 9 Am 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Padmanabhan can be reached on (703) 305-1877. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3592 for regular communications and (703) 305-3592 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

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Art Unit: 1617

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Webman/LR
January 28, 2003

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